



## Chapter 46. Hazardous Waste Environmental Technology Certification Program

### §68000. Purpose and Scope.

(a) These regulations establish provisions for certification of hazardous waste environmental technologies. Hazardous waste environmental technologies include, but are not limited to, hazardous waste management technologies, site mitigation technologies, and waste minimization and pollution prevention technologies.

(b) The regulations in this chapter set forth basic certification requirements, including, but not limited to technology eligibility, certification application requirements, and certification procedures.

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Sections 25200.1.5, 25200.3 and 25201.5, Health and Safety Code.

#### HISTORY

1. New chapter 46 (sections 68000-68100) and section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).

### §68010. Technology Eligibility Criteria.

A hazardous waste environmental technology is eligible for certification by the Department if the technology (1) does not pose a significant potential hazard to human health and safety or to the environment if operated in compliance with specified conditions, and (2) the technology relates to hazardous waste. Hazardous waste incineration technologies are excluded from eligibility for certification.

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Sections 25200.1.5, 25200.3 and 25201.5, Health and Safety Code.

#### HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).

2. Change without regulatory effect amending section filed 7—1—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No.27).

### §68020. Certification Elements.

(a) A certification is a technical evaluation of the technology which shall include all of the following.

(1) A statement of the technical specifications applicable to the technology.

(2) A determination of the composition of the hazardous wastes or chemical constituents for which the technology may appropriately be used.

(3) An estimate of the efficacy and efficiency of the technology in regard to the hazardous wastes or chemical constituents for which it is certified.

(4) A specification of the minimal operational standards the technology is required to meet to ensure that the certified technology is managed properly and used safely.

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Sections 25200.1.5, 25200.3 and 25201.5, Health and Safety Code.

#### HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).

### §68030. Application Requirements.

(a) All applicants seeking a hazardous waste technology certification evaluation shall submit the following information to the Department, unless the Department indicates to the applicant in writing that a particular item is inapplicable and need not be submitted:

(1) Name of applicant, contact person, mailing address, and telephone number.

(2) A technology description including but not limited to a discussion of the unit processes or specific steps by which the technology operates, process flow diagrams, piping and instrumentation diagrams, and equipment specifications.

(3) The underlying scientific and engineering principles of the technology supported by technical literature, patents, and other documentation, if available.

(4) A description of the commercial status of the technology.

(5) Proposed certification statement, including performance claims and the hazardous waste streams or materials for which the applicant wants the technology to be certified.

(6) An estimate of the efficacy and efficiency of the technology in regard to those hazardous waste streams/materials for which certification is desired and bases for arriving at the estimates.

(7) Recommended operating conditions and limits.

(8) Supporting data and documentation necessary to verify the efficacy and efficiency of the technology for the recommended operating limits. Where existing data are insufficient, the applicant shall provide a description of new studies and experiments needed to generate the necessary data.

(9) Description of all potential environmental impacts, including but not limited to emissions, discharges, and residuals from use of the technology.

(10) Quality control/quality assurance procedures.

(11) Critical operating parameters and conditions.

(12) Monitoring and control of operating parameters and conditions.

(13) Operator training, education, and experience requirements to safely and effectively operate the technology, if any.

(14) Operation and maintenance procedures (including installation, inspection, and emergency and upset instructions), supported by documents such as standard operational procedures, users manuals, operational and maintenance manuals.

(15) Documents which address worker health and safety issues and requirements related to the use of the technology, including but not limited to material safety data sheets and health and safety plans.

(16) The hazards to health, safety, or to the environment posed by those hazardous wastes and materials and their constituents for which the technology is designed to manage.

(17) The complexity and degree of difficulty of operating the technology in regards to the hazardous waste streams and materials for which certification is desired.

(18) The chemical or physical hazards that are associated with the use of the technology, and the hazards associated with the processes which produced the hazardous waste or wastes.

(19) The levels of specialized operator training, technology maintenance, and monitoring that are required to ensure that the technology is operated safely and effectively.

(20) The types of accidents or system upsets which may occur during use of the technology in managing those hazardous waste streams and materials for which certification is desired, the likely consequences of those accidents, and the actual accident history associated with the use of the technology.

(21) Any additional information deemed necessary by the Department in order for it to make a determination regarding suitability for certification.

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Sections 25200.1.5, 25200.3 and 25201.5, Health and Safety Code.

#### HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).

### **§68040. Confidentiality of Information.**

(a) An applicant or holder of a technology certification may assert a claim of business confidentiality by following the procedures set forth in Title 22 of the California Code of Regulations, section 66260.2. Information submitted to the Department pursuant to this chapter may be claimed as business confidential. Such a claim shall be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the Department may make the information available to the public without further notice to the applicant. If a claim of confidentiality is asserted, the information will be evaluated and treated in accordance with the procedures set forth in section 66260.2.

(b) Claims of confidentiality for the name and address of any certification applicant will be denied.

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Section 25200.1.5, Health and Safety Code; and 40 CFR Section 260.2..

#### HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).

### **§68050. Certification Procedures.**

(a) The Department shall use the following procedures to determine if a certification should be granted or denied. The Department shall:

(1) Review the certification application and any other pertinent information to make a preliminary determination whether or not the proposed technology is eligible for certification as a hazardous waste environmental technology pursuant to section 68010, and shall notify the applicant of its decision. If rejected as ineligible, the Department shall provide the applicant the reasons for the rejection.

(2) Estimate its costs to evaluate the technology and to make a certification decision in accordance with sections 68010 and 68020.

(3) Prepare an agreement for services containing the estimated costs of evaluating the technology for a certification decision.

(4) Negotiate the agreement and have the applicant and the Department sign the agreement.

(5) Receive payment of fees, pursuant to section 68080.

(6) If the Department determines that additional data are needed, the Department shall request that the applicant provide additional existing data, and perform field testing to collect new data, if necessary. The Department shall review such data when making the certification decision.

(7) Prepare an evaluation report and proposed certification decision.

(8) Publish in the California Regulatory Notice Register, the Department's proposed decision on an application for certification of a hazardous waste environmental technology, which shall be subject to a 30-day comment period. The Department shall review any comments received and complete the final certification decision.

(9) The final certification decision shall be published in the California Regulatory Notice Register, and shall become effective not sooner than 30 days after its publication.

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Sections 25200.1.5, Health and Safety Code.

## HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).
2. Change without regulatory effect amending subsection (a)(1) filed 7—1—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No.27).

**§68060. Duration of Certification.**

Unless amended pursuant to section 68100, the duration of a hazardous waste environmental technology certification is three (3) years. The duration of the certification shall be specified in each instance within the certification statement published in the California Regulatory Notice Register. Technologies can be re-evaluated and, if appropriate, re-certified pursuant to the certification application requirements and procedures specified in this chapter.

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Section 25200.1.5, Health and Safety Code.

## HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).

**§68070. Revocation of Certification.**

The Department may revoke a hazardous waste environmental technology certification if it determines, on the basis of any reliable information, that the hazardous waste environmental technology may pose a significant potential or actual hazard to human health and safety or to the environment, or that the technology does not perform as certified, or that any information submitted to the Department related to the certification is inaccurate, has been misrepresented, or that any pertinent information was omitted. The recipient of the certification shall maintain the quality of the manufactured materials and equipment at a level equal to or better than was provided to obtain this certification and shall be subject to quality monitoring by the Department as is required by section 25200.1.5 of the Health and Safety Code. The Department may revoke the hazardous waste environmental technology certification in accordance with the procedures set forth in Health and Safety Code section 25200.1.5(d).

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Section 25200.1.5, Health and Safety Code.

## HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).

**§68080. Fees.**

(a) The Department shall recover the actual costs to the Department for evaluating hazardous waste environmental technologies, and making certification decisions. An estimate of these costs and a scope of work, including a summary delineating the activities that will be conducted, shall be part of the technology evaluation and certification services agreement. A dispute resolution process, to address conflicts between the applicant and the Department regarding the terms of the services agreement, shall be part of the agreement.

(b) Each applicant for a technology certification shall submit a non-refundable fee of two-hundred fifty dollars (\$250) with the application. This fee will cover the Department's cost for the preliminary determination of eligibility for certification as described in section 68050(a)(1). The remainder of the costs to evaluate the technology shall be due according to the terms of the negotiated agreement as specified in section 68050(a)(3).

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Section 25200.1.5, Health and Safety Code.

## HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).

**§68090. Certification Reference.**

(a) The holder of a valid hazardous waste environmental technology certification is authorized to use the certification seal (Registered Service Mark Number 046720) and shall cite the technology certification number and date of issuance in conjunction with the certification seal whenever it is used.

(b) When providing information on the certification to an interested party, the holder of a hazardous waste environmental technology certification shall at a minimum provide the full text of the final certification decision as published in the California Regulatory Notice Register.

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Section 25200.1.5, Health and Safety Code.

## HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).
2. Change without regulatory effect amending subsection (b) filed 7—1—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 27).

**§68100. Amendments to Certifications.**

The Department on its own initiative or upon receipt of an application from the holder of the certification may

amend a hazardous waste environmental technology certification.

(a) In the case of a Department initiated amendment, the Department will:

(1) Inform the applicant of the Department's intent to amend the certification.

(2) Prepare an evaluation report and proposed certification decision.

(3) Publish in the California Regulatory Notice Register, the Department's proposed decision regarding the amendment, which shall be subject to a 30-day comment period. The Department shall review any comments received and complete the final certification decision.

(4) Publish the final certification decision in the California Regulatory Notice Register, which shall become effective not sooner than 30 days after its publication.

(b) During the time periods specified in subdivision (a), paragraphs (3) and (4), the existing certification shall remain valid.

(c) In the case of an amendment applied for by the holder, the Department will follow the procedures set forth in section 68050. During the time periods specified in section 68050(a)(8) and (a)(9), the existing certification shall remain valid.

(d) In the case of an amendment applied for by the holder, the applicant shall reimburse the Department for its costs in amending the certification.

NOTE: Authority cited: Sections 25150, 25200.1.5, 58004 and 58012, Health and Safety Code. Reference: Section 25200.1.5, Health and Safety Code.

#### HISTORY

1. New section filed 10-5-98; operative 11-4-98 (Register 98, No. 41).